

**SUPREME COURT MINUTES  
MONDAY, SEPTEMBER 18, 2000  
SAN FRANCISCO, CALIFORNIA**

- S091528      Kenneth Earl Gay, Petitioner  
                         v.  
                         Los Angeles County Superior Court, Respondent  
                         People, Real Party in Interest  
                         Application for stay and petition for writ of mandate DENIED  
                         without prejudice.
- S050166      In re Barry Glenn Williams  
                         on  
                         Habeas Corpus  
                         The petition for habeas corpus, filed November 21, 1995, is  
                         denied. All claims, including all subclaims, are denied on the merits.  
                         Except where framed as allegations of ineffective assistance of  
                         counsel, and insofar as based on the appellate record, the following  
                         claims or subclaims are denied because they could have been, but  
                         were not, raised on appeal (see *In re Harris* (1993) 5 Cal.4th 813,  
                         825, fn. 3 (*Harris*); *In re Dixon* (1953) 41 Cal.2d 756): Claims  
                         VI.B, VI.D, VI.E, VI.F, VII.F, VII.G (“vouching” subclaim insofar  
                         as addressed only to the form of Deputy Holmes’s testimony), IX.E,  
                         XIII (subclaims regarding (i) testimony of victim Dunn’s mother, (ii)  
                         improper opening argument at guilt phase, except allegation that  
                         prosecutor’s argument included knowingly false information he did  
                         not attempt or intend to prove at trial, (iii) repeated references to  
                         homicide as “murder,” (iv) questions designed to elicit inadmissible  
                         evidence, (v) questions reasked after objections sustained, and (vi)  
                         improper closing argument at guilt phase, except references to  
                         “laughing hyenas” and victim’s decaying body), and XXI.F.  
                         Except where framed as allegations of ineffective assistance of  
                         counsel, and insofar as based on the appellate record, the following  
                         claims or subclaims are denied because they were previously raised  
                         and rejected on appeal (*Harris, supra*, 5 Cal.4th 813, 824-841; *In re*  
                         *Waltreus* (1965) 62 Cal.2d 218, 225): Claims XIII (subclaims  
                         regarding prosecutor’s references to “laughing hyenas” and victim’s  
                         decaying body) and XXI.B.  
                         George, C.J., Baxter, J., and Chin, J., would deny the following  
                         claims, except where framed as allegations of ineffective assistance  
                         of counsel, on the additional ground of petitioner’s failure to raise

the issues in the trial court. (*People v. Hill* (1992) 3 Cal.4th 959, 985; *People v. Edwards* (1991) 54 Cal.3d 787, 827; see also *People v. Davenport* (1996) 11 Cal.4th 1171, 1195): Claims III.B (vicinage) and III.C (jury cross-section).

Mosk, J., is of the opinion an order to show cause should issue.

Kennard, J., is of the opinion an order to show cause should issue on claims IV, V, VII, XIII and XIV.

Brown, J., would deny the petition solely on the merits.

2nd Dist. People, Respondent  
B127059 v.

Div. 4 Gerald Lee Miller, Appellant

S090239 The time for granting or denying review in the above-entitled matter is hereby extended to and including October 26, 2000, or the date upon which review is either granted or denied.

4th Dist. People, Respondent  
G025523 v.

Div. 3 Leroy Francis Lambert, Appellant

S090353 The time for granting or denying review in the above-entitled matter is hereby extended to and including October 22, 2000, or the date upon which review is either granted or denied.

S025519 People, Respondent  
v.

Colin Raker Dickey, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including October 13, 2000.

S054291 People, Respondent  
v.

Eric Royce Leonard, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including November 13, 2000, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S085088 Friends of Sierra Madre et al., Appellants

v.

City of Sierra Madre et al., Appellants

The application of Preserve Area Ridgeland Committee and Citizens for Balanced Growth for permission to join in the amicus curiae brief of the People ex rel Attorney General is hereby granted.

S068743 People, Respondent

v.

David Lewis Cornelius, Appellant

Upon request of appellant for appointment of counsel, Martin N. Buchanan is hereby appointed to represent appellant on his appeal now pending in this court.

Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date of this order.

S088368 People, Respondent

v.

Susan Lee Russo, Appellant

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In re Susan Lee Russo on Habeas Corpus

Upon request of appellant for appointment of counsel, Jim Fahey is hereby appointed to represent appellant on his appeal now pending in this court.

Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date of this order.

1st Dist. Transfer Orders

The following matters, now pending in the Court of Appeal, First Appellate District, are transferred to the Third Appellate District.

A091957 – Dept. of Health Services v. WCAB Intl Union of Hotel and Restaurant Employees.

A092015 – Hotel and Restaurant Employees v. WCAB, Dept. of Health Services and Wayne Brower.